

## AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

### Listing of Claims

#### Claim 1 (Cancelled)

2. (Currently Amended) An image processing apparatus of claim 1 and 35 further including third determination means for determining whether or not said each block is a color block, respectively, based on the number of color pixels for each block, wherein the second determination means determines whether or not the image is a color image based on the determination result by the third determination means.

#### Claims 3-14 (Cancelled)

3, 15. (Previously Presented) An image processing apparatus of claim 2, wherein the third determination means determines a block as a color block in case the number of color pixels within a block exceeds a first threshold.

#### Claims 16-21 (Cancelled)

4.  
22. (Previously Presented) An image processing apparatus of claim 2, wherein  
the second determination means determines an image as a color image in case the number  
of color blocks included in the image exceeds a first threshold.

5.  
23. (Currently Amended) An image processing apparatus of claim 4 35, wherein  
the second determination means determines an image as a color image in case a block  
having color pixels which exceeds a first threshold in number is discovered.

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Claims 24-28 (Cancelled)

6.  
29. (Currently Amended) An image processing apparatus of claim 4 35, wherein the  
second determination means excludes a block on a certain portion from the determination.

7.  
30. (Original) An image processing apparatus of claim 29, wherein the certain portion  
includes peripheral portions of an image.

Claims 31-34 (Cancelled)

8.  
35. (Currently Amended) An image processing apparatus of claim 1 including:  
a brightness data extracting section for extracting brightness data from image information  
of each pixel;

means for determining a reference value based on extracted brightness data;  
a first determination means for determining whether or not a pixel included in an image is  
a color pixel by using the reference value;  
means for dividing the image into a predetermined number of plurality of blocks;  
counting means for counting the number of color pixels for each block; and  
second determination means for determining whether or not the image is a color image  
based on the counting result by the counting means, wherein

the second determination means determines whether or not an image is a color image even if the numbers of color pixels for blocks are not completely counted, and the counting means for counting the number of color pixels for each block stops counting operation after the second determination means completes color image determination.

Claims 36-59 (Cancelled)